

CITY OF SURPRISE
Regular City Council
Meeting Agenda
16000 N. Civic Center
Plaza
Surprise, AZ 85374

COUNCIL MEETING
RESULTS

Tuesday, October 6, 2015 @ 6:00 PM
COUNCIL CHAMBERS - Amended on Monday, October 5,
2015 at 1:15 adding item #16 to request continuance.

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- A. **CALL TO ORDER – 6:00 P.M.**
- B. **ROLL CALL - MAYOR WOLCOTT EXCUSED, ALL OTHER COUNCIL WERE PRESENT.**
- C. **PLEDGE OF ALLEGIANCE – LED BY ROSEFIELD ELEMENTARY SCHOOL STUDENTS**
- D. **PROCLAMATION AND COMMUNITY ACKNOWLEDGEMENTS**

District Citywide Vice-Mayor Williams will present a proclamation to Laura Horsely, Program Director of Eve's Place, recognizing Domestic Violence Awareness Month. None
Mayor
Wolcott

E. **CITY MANAGER REPORT:**

District Citywide Surprise Students/Teachers for Education None
Paul
Bernardo,
City
Manager's
Office

F. **CITY ATTORNEY REPORT:**

G. **CITY CLERK REPORT:**

District Citywide An update on Voter Outreach – EARLY VOTING STARTS ON WED., OCTOBER 7TH THROUGH FRIDAY, OCTOBER 20TH – ELECTION DAY IS NOVEMBER 3RD, 2015. None
Sherry Ann
Aguilar,
City Clerk

H. **CALL TO THE PUBLIC:**
LAWRENCE GOLDBERG – CITY ATTORNEY REPORTING TO CITY MANAGER – OPPOSED

OLGA PEREZ – CODE ENFORCEMENT ISSUES/CITATION IN ORIGINAL TOWNSITE

**FRANK REED – CITY ATTORNEY REPORTING TO CITY MANAGER –
OPPOSED
MATT NISBETT – ASKING FOR SUPPORT FOR LOCAL BUSINESSES
OWNED AND OPERATED BY VETERAN'S/BID PROCESS**

**CONNIE WHITLOCK AND MIKE WOODARD – LOCAL ARTISTS TO RECEIVE
OPPORTUNITY TO APPLY FOR BELL/GRAND ARTS PROJECT.**

INSTRUCTIONS: In order to address the City Council, you will need to fill out a Call to the Public Form available at the front counter, and then turn it in to the City Clerk before the meeting begins.

[Download the Call to the Public form](#) (PDF download requires [Adobe Acrobat Reader](#))

[Fill out the Call to the Public form online](#) If submitting form electronically, please submit to City Clerk at least one hour before the meeting start time.

The Call to the Public form is also available at the front counter.

Note: A.R.S. 38-431.01(H) - During this time members of the public may address City Council on any item not on the agenda. At the conclusion of the open call, City Council may respond to criticism, may ask staff to review the matter or may ask that the matter be put on a future agenda. No discussion or action shall take place on any item raised.

Approval of items on the Consent Agenda – all items with an asterisk (*) are considered to be routine matters and will be enacted by one motion and one roll call vote to the City Council. There will be no separate discussion on these items unless a Councilmember requests, in which event the item will be removed from the consent agenda and considered in its normal sequence on the agenda.

I. REGULAR CITY COUNCIL MEETING AGENDA:

HALL ASKED TO REMOVE ITEMS 5 & 6 FROM CONSENT FOR DISCUSSION

**CONSENT AGENDA: M: WINTERS 2ND: VILLANUEVA VOTE: 6 YES
VOTES, 1 ABSENT (WOLCOTT)**

- | | | | |
|----|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| 1. | District 3 | <u>Consideration and action declaring the City's intention to create a lighting improvement district pursuant to A.R.S. 48-616 for the purpose of purchasing facilities and energy for lighting the public streets and parks for the Sycamore Farms Parcel 12 North #146 Street Lighting Improvement District'; Resolution 2015-84.</u> | Approved
Karl Zook,
Public
Works
Department |
| 2. | District 3 | <u>Consideration and action dissolving the Sycamore Farms Parcel 12 #136 Lighting Improvement District now covered by the Sycamore Farms Parcel 12 North #146 Lighting Improvement District; Resolution # 2015-91.</u> | Approved
Karl Zook
Public
Works
Department |
| 3. | District 3 | <u>Consideration and action on accepting maintenance of the public improvements for the Shops at 303 & Waddell, generally located on the northwest corner of Waddell Road and SR303; Resolution No. 2015-81.</u> | Approved
Karl Zook,
Public
Works
Department |

- | | | | |
|-----|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| 4. | District 6 | <u>Consideration and action approving an amendment to the “Surprise Pointe North” final plat, dividing the existing parcel into 9 smaller parcels consistent with existing structures.</u> | Approved
Hobart
Wingard -
Community
Development |
| 5. | District Citywide | <u>Consideration and action on a fiscal year 2016 budget amendment reallocating appropriations from various funds for fiscal year 2016 budget and adjusting budget authority; Resolution 2015-89.</u> | Approved
Lindsey
Duncan,
Finance
Director |
| | | M: BIUNDO 2ND: TANDE VOTE: 6 YES VOTES, 1 ABSENT (WOLCOTT) | |
| 6. | District Citywide | <u>Consideration and action on a fiscal year 2015 budget amendment reallocating appropriations from various funds required to close the fiscal year 2015 budget; Resolution 2015-88.</u> | Approved
Lindsey
Duncan,
Finance
Director |
| | | M: VILLANUEVA 2ND: HALL VOTE: 6 YES VOTES, 1 ABSENT (WOLCOTT) | |
| 7. | District Citywide | <u>Consideration and action; amending FY2016 budget by reallocating appropriations from contingency in the grants and contingency fund to project #28034 in the general capital fund for the purchase of replacement stadium seating at Surprise Stadium in an amount not to exceed \$1.2M ; Resolution No. 2015-92.</u> | Approved
Mark A.
Coronado,
CRS
Director |
| 8. | District 5 | <u>Consideration and action to approve a Series 12 liquor license request by Daniel Avila for Daniel's Original Mexican Food located at 13761 W. Bell Road, #213, Surprise, Arizona 85374 (New License/Corporation - 1207A368).</u> | Approved
Sherry Ann
Aguilar, City
Clerk |
| 9. | District Citywide | <u>Consideration and action on the minutes of September 15, 2015 Regular City Council Work Session and Regular City Council Meeting and September 22, 2015 Special City Council Work Session.</u> | Approved
Sherry Ann
Aguilar,
City Clerk |
| 10. | District Internal | <u>Consideration and action amending the Vehicle Replacement Fund budget by \$1,000,000 increasing the Public Works Departments ability to replace City vehicles and equipment that have been delayed; Resolution 2015-95.</u> | Approved
Mike Gent
Public
Works
Director |
| 11. | District Citywide | <u>Consideration and action amending the Water Resource Management Departments capital projects budget; Resolution 2015-93.</u> | Approved
Terry Lowe
Water
Resource
Management
Director |

REGULAR AGENDA ITEM - PUBLIC HEARING:

- | | | | |
|-----|-------------------|----------------------------------------------------------------------|----------|
| 12. | District Citywide | <u>Consideration and action on a Zoning Text Amendment to</u> | Approved |
|-----|-------------------|----------------------------------------------------------------------|----------|

allow accessory structures to be limited by lot coverage on residential properties one (1) acre or more in size; Ordinance 2015-13.

Hobart Wingard - Community Development

M: WINTERS 2ND: HALL VOTE: 6 YES VOTES, 1 ABSENT (WOLCOTT)

13. District Citywide Consideration and action amending Surprise Municipal Code, Chapter 122, Surprise Unified Development Code, Section 122-112, Wireless Communications, to allow Wireless Telecommunication Facilities to conform to federal regulations and current technology (this is a Zoning Text Amendment); Ordinance 2015-15.

Continued to October 20th Council Meeting. Hobart Wingard - Community Development

M: HALL 2ND: BIUNDO VOTE: 6 YES VOTES, 1 ABSENT (WOLCOTT)

14. District Citywide Consideration and action authorizing the renewal of the CenturyLink Cable Television License Agreement; Resolution No. 2015-75.

Approved Tammie Hollowell - Information Technology Director

M: WINTERS 2ND: VILLANUEVA VOTE: 6 YES VOTES, 1 ABSENT (WOLCOTT)

15. District Citywide Consideration and action amending the 2012 International Building Code, as referenced in Surprise Municipal Code Section 105-19(a), by authorizing the use of a new Accessibility Icon; Ordinance 2015-18.

Approved Chris Boyd, Community Development

M: HALL 2ND: WINTERS VOTE: 6 YES VOTES, 1 ABSENT (WOLCOTT)

16. District 1 Consideration and action regarding a proposed Zone Change from CR to IP-PUD, CR to CR-PUD, and from IP to CR-PUD for Dysart Subdivision located at the southwest corner of Bell Road and Dysart Road; Ordinance 2015-16.

Continued to October 20th Council Meeting. Robert Kuhfuss, Community Development

M: HALL 2ND: BIUNDO VOTE: 6 YES VOTES, 1 ABSENT (WOLCOTT)

17. District 3 Consideration and action on a Preliminary Plat entitled "Sycamore Farms Parcel 12, Phase 1," generally located between SR303 and 165th Drive, south of Cactus Road;

Approved Hobart Wingard -

Resolution 2015-100.

Community
Development

**M: BIUNDO 2ND: TANDE
VOTE: 6 YES VOTES, 1 ABSENT (WOLCOTT)**

18. District 3

**Consideration and action on a Preliminary Plat entitled
"Sycamore Farms Parcel 12, Phase 2," generally located
between SR303 and 165th Drive, south of Cactus Road;
Resolution 2015-102.**

Approved
Hobart
Wingard -
Community
Development

**M: HALL 2ND: TANDE VOTE: 6 YES
VOTES, 1 ABSENT (WOLCOTT)**

REGULAR AGENDA ITEM - NON-PUBLIC HEARING:

19. District 3

**Consideration and action on a Final Plat entitled
"Sycamore Farms Parcel 12, Phase 1," generally located
between SR303 and 165th Drive, south of Cactus Road;
Resolution 2015-101.**

Approved
Hobart
Wingard -
Community
Development

**M: BIUNDO 2ND: HALL VOTE: 6 YES
VOTES, 1 ABSENT (WOLCOTT)**

20. District 3

**Consideration and action on a Final Plat entitled
"Sycamore Farms Parcel 12, Phase 2," generally located
between SR303 and 165th Drive, south of Cactus Road;
Resolution 2015-103.**

Approved
Hobart
Wingard -
Community
Development

**M: HALL 2ND: TANDE VOTE: 6 YES
VOTES, 1 ABSENT (WOLCOTT)**

21. District Citywide

**Consideration and action; amending FY2016 budget by
reallocating appropriations from contingency in the
general fund to the Community and Recreation Services
Department general fund for the Veterans Day Celebration
Event in an amount not to exceed \$20,000; Resolution No.
2015-73**

Approved
Mark A.
Coronado,
Director -
Community
&
Recreation
Services

**M: VILLANUEVA 2ND: HALL VOTE: 5 YES
VOTES, 1 ABSENT (WOLCOTT), 1 ABSTAINED
(WILLIAMS)**

22. District Citywide

**Consideration and action amending Surprise Municipal
Code Chapter 34, Offenses and Miscellaneous Provisions,
Sections 34-76, 34-77 pertaining to unauthorized entry
onto athletic fields during contests, and Sections 34-226
and 34-227 pertaining to obstructing or interfering with a
police officer or police dog; Ordinance 2015-06.**

Approved
Harold
Brady,
Police and
Fire Legal
Advisor

M: VILLANUEVA 2ND: TANDE

VOTE: 6 YES VOTES, 1 ABSENT (WOLCOTT)

23. District Internal Consideration and possible action adopting the City Council Board and Commission Handbook (2015 edition), replacing all prior board/commission handbooks.

Tabled
Indefinitely
with a
stipulation
to take
back to
committee
for further
review.

**M: BIUNDO 2ND: TANDE VOTE: 6
YES VOTES TO TABLE INDEFINITELY AND
HAVE COMMITTEE REVIEW FURTHER. 1
ABSENT (WOLCOTT).**

J. OTHER BUSINESS AND FUTURE AGENDA ITEMS:

BIUNDO – ASKED THE CITY MANAGER FOR A 2ND OPINION/DRAFT FOR THE CHANGES TO CITY CODE RELATED TO THE CITY ATTORNEY.

HALL – DISCUSS BELL/GRAND INTERSECTION - RECOMMENDATIONS FROM ADOT/MAG

TANDE – NEED AN EXECUTIVE SESSION TO DISCUSS PERFORMANCE EVALUATION PROCESS AS INSTRUCTED BY HUMAN RESOURCES TO FINALIZE PROCESS.

K. MAYOR/COUNCIL REPORTS:

L. EXECUTIVE SESSION: NONE HELD.

For information Purposes; Upon a public majority vote of a quorum of the City Council, the Council may hold an executive session, which will not be open to the public, but for only the following purposes:

- discussion or consideration of personnel matters (A.R.S. §38-431.03 (A)(1));
- discussion or consideration of records exempt by law from public inspection (A.R.S. §38-401.03 (A)(2));
- discussion or consultation for legal advice with the city's attorneys (A.R.S. §38-431.03 (A)(3));
- discussion or consultation with the city's attorneys regarding the city's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. §38-431.03 (a)(4));
- discussion or consultation with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03 (A)(5)); or
- discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or

town. A.R.S. §38-401.03 (A)(6)).

- discussing or consulting with designated representatives of the city in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03 (A)(7)).

Confidentiality Requirements Pursuant to A.R.S. §38-431.03(C)(D): Any person receiving executive session information pursuant to A.R.S. §38-431.02 shall not disclose that information except to the Attorney General or County Attorney by agreement of the City Council, or as otherwise ordered by a court of competent jurisdiction.

The council may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

**M. ADJOURNMENT: M: VILLANUEVA 2ND: HALL VOTE: 6 YES
VOTES TO ADJOURN AT 8:05 P.M.**

SHERRY ANN AGUILAR, CITY CLERK, MMC

POSTED: WEDNESDAY, OCTOBER 7, 2015 @ 6:45 A.M.

SPECIAL NOTE: PERSONS WITH SPECIAL ACCESSIBILITY NEEDS, INCLUDING LARGE PRINT MATERIALS OR INTERPRETER, SHOULD CONTACT THE CITY CLERK'S OFFICE @ 623.222.1200 OR TTY 623.222.1002, BY NO LATER THAN 24 HOURS IN ADVANCE OF THE REGULAR SCHEDULED MEETING TIME.